

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jeffrey Mulinelli (S)	Team: Squad #7	CCRB Case #: 201803643	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/08/2018 1:25 PM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 34	18 Mo. SOL 11/8/2019	EO SOL 11/8/2019	
Date/Time CV Reported Wed, 05/09/2018 11:10 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 05/09/2018 11:10 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Saher Abumalouh	02157	936093	PBMN
2. SGT Nicholas Graziano	00766	940211	PBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Fernando Moscoso	02879	954153	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Saher Abumalouh	Abuse: Sergeant Saher Abumalouh forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
B.SGT Nicholas Graziano	Abuse: Sergeant Nicholas Graziano forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
C.SGT Saher Abumalouh	Abuse: Sergeant Saher Abumalouh threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On May 9, 2018, § 87(2)(b) filed this complaint via the CCRB's online website.

On May 8, 2018, at approximately 1:25 p.m., Sgt. Saher Abumalouh and Sgt. Nicholas Graziano of the Patrol Borough Manhattan North Investigations Unit arrived at § 87(2)(b), in Manhattan, in order to interview § 87(2)(b) regarding a civilian complaint. After discussing the complaint with § 87(2)(b) and his mother, § 87(2)(b), Sgt. Abumalouh and Sgt. Graziano requested an ambulance to the location in order to have § 87(2)(b) undergo a psychiatric evaluation (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). While waiting for an ambulance, Sgt. Abumalouh allegedly threatened to arrest § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was ultimately removed via ambulance to § 87(2)(b).

This incident occurred within § 87(2)(b)'s private apartment, and the officers involved were not assigned body-worn cameras. As such, the investigation determined that no video footage existed.

Findings and Recommendations

Allegation A – Abuse of Authority: Sergeant Saher Abumalouh forcibly removed § 87(2)(b) to the hospital.

Allegation B – Abuse of Authority: Sergeant Nicholas Graziano forcibly removed § 87(2)(b) to the hospital.

Allegation C – Abuse of Authority: Sergeant Saher Abumalouh threatened to arrest § 87(2)(b).

§ 87(2)(b) testified that he was interviewed at his home by Sgt. Abumalouh and Sgt. Graziano regarding a civilian complaint he filed. § 87(2)(b) reported to the officers that he was being followed by NYPD officers, fire trucks, and ambulances, and that he was hearing sirens. § 87(2)(b) remained calm throughout the NYPD interview.

Afterward, § 87(2)(b) waited inside the apartment while the officers spoke to § 87(2)(b) in the public hallway. After about ten minutes, § 87(2)(b) opened the front door and asked what § 87(2)(b) and the officers were discussing. § 87(2)(b) may have raised his voice a little bit, but he did not yell, insult, or threaten anyone.

According to § 87(2)(b), Sgt. Abumalouh asked § 87(2)(b) to calm down before directing him back into the apartment. § 87(2)(b) obeyed the directive and sat quietly on a chair. Sgt. Abumalouh then asserted that § 87(2)(b) had been a little emotional when the officers were talking to his mother. Sgt. Abumalouh informed § 87(2)(b) that he had called for an ambulance and § 87(2)(b) had to answer a few questions from an EMT, after which the EMT would leave. While waiting for the ambulance, Sgt. Abumalouh warned § 87(2)(b) that he would not be evaluated by EMTs next time or if he became more emotional. Rather, he would be arrested.

§ 87(2)(b) was evaluated in his apartment by an EMT. The EMT informed § 87(2)(b) that he would like him to go to a hospital to see a psychiatrist. § 87(2)(b) remained calm but

objected and asked why he had to do that considering that he had answered all of the EMT's questions and had not done anything wrong. § 87(2)(b) had not been verbally or physically aggressive during the incident. He was ultimately transported to § 87(2)(b) [01 Board Review].

In a phone statement, § 87(2)(b) revealed that § 87(2)(b) suffers from clinical depression. In the last two years, he has become paranoid and believed that sirens are targeting him. She stated that § 87(2)(b) was calm throughout the NYPD interview. When § 87(2)(b) spoke with the officers in the hallway, she informed them that § 87(2)(b) becomes upset and curses when he hears sirens. She explained that he was not violent. The officers seemed to be ready to leave before § 87(2)(b) opened the door and asked § 87(2)(b) what she was discussing privately with the officers. § 87(2)(b) remained calm throughout the incident and did not exhibit any behaviors to suggest that he was a danger to himself or others. The officers told § 87(2)(b) that they had phoned 911 because they wanted § 87(2)(b) to be evaluated and to go to a hospital. § 87(2)(b) agreed to go to a hospital. No officer mentioned the possibility of arrest [02 Board Review].

EMT § 87(2)(b) stated that he received a low-priority job involving an EDP. He did not remember there being a warning that the EDP was violent. Sgt. Abumalouh apprised the EMTs of the incident's details, including § 87(2)(b)'s statement that he heard sirens in the area were targeting him. Sgt. Abumalouh stated that § 87(2)(b) had a psychiatric history, but EMT § 87(2)(b) did not recall any further detail or a specific diagnosis. Sgt. Abumalouh made no mention of § 87(2)(b) having exhibited any behaviors to suggest that he intended to harm anyone. However, Sgt. Abumalouh specifically stated that he wanted § 87(2)(b) to be transported to a hospital for a psychiatric evaluation because he was paranoid and unstable.

§ 87(2)(b) was evaluated by EMT § 87(2)(b)'s partner, EMT § 87(2)(b). EMT § 87(2)(b) noted that § 87(2)(b) was alert and oriented, did not exhibit any signs of suicidal ideation or a desire to harm anyone, and he generally seemed normal. § 87(2)(b) did not mention that any officer had threatened to arrest him. Aside from Sgt. Abumalouh's request, there were no other reasons that the EMTs transported § 87(2)(b) to the hospital. However, EMT § 87(2)(b) noted that individuals who are reported to be EDPs are transported to the hospital nine times out of ten regardless of what happens during their evaluation due to safety concerns [03 Board Review].

The ACR, prepared by EMT § 87(2)(b) noted that EMS was called by officers due to the patient acting erratic toward them. § 87(2)(b) informed EMTs that he believed that anyone with lights and sirens makes him feel like they are coming after him. § 87(2)(b) denied having suicidal or homicidal ideation. EMTs attempted to reach § 87(2)(b)'s therapist to determine whether he should be transported to a hospital, but they were unable to establish contact. § 87(2)(b)'s medical records from § 87(2)(b) also noted that he denied having suicidal or homicidal ideation [see Privileged Medical Documents].

Sgt. Abumalouh testified that he researched § 87(2)(b)'s history with the NYPD prior to visiting his apartment and found no evidence that § 87(2)(b) was considered an EDP or had a violent history.

Sgt. Abumalouh and Sgt. Graziano both acknowledged interviewing § 87(2)(b) in his apartment and stated that he complained that officers followed him with lights and sirens when he walked on the street. Both Sgt. Abumalouh and Sgt. Graziano revealed that § 87(2)(b) reported that officers had installed surveillance equipment inside his apartment, though he was unable to point out where these devices were located.

The officers stated that § 87(2)(b) raised his voice and spoke in a forceful manner when he asked § 87(2)(b) to leave during the interview. Sgt. Graziano added that § 87(2)(b) acted aggressively by quickly twisting his head and shoulders toward § 87(2)(b) when he spoke.

Afterward, Sgt. Abumalouh and Sgt. Graziano spoke with § 87(2)(b) in the public hallway. She informed the officers that § 87(2)(b) had been diagnosed with clinical depression and, more recently, had begun showing signs of paranoia. § 87(2)(b) stated that § 87(2)(b) acts in an irrational manner sometimes, but she does not call the police. These unreported incidents raised Sgt. Abumalouh's concern. § 87(2)(b) did not mention a domestic violence history and never expressed that § 87(2)(b) was a danger to himself or others.

According to the officers, § 87(2)(b) opened the door, pointed at Sgt. Abumalouh and § 87(2)(b) and spoke in a raised and aggressive tone when he told § 87(2)(b) not to make the issue one of mental health in order to discredit him. § 87(2)(b) spoke in this manner for approximately 15 seconds. Sgt. Abumalouh considered this to be an expression of "rage and anger" toward § 87(2)(b). However, the officers consistently testified that § 87(2)(b) made no threats at this time. § 87(2)(b) complied with Sgt. Abumalouh's order to go back inside the apartment. Sgt. Abumalouh stated that § 87(2)(b) continued yelling inside the apartment for about two seconds, but this assertion was not supported by Sgt. Graziano, who stated that § 87(2)(b) did not continue yelling inside the apartment.

The officers stated that § 87(2)(b)'s mental health status and loud and forceful tone led them to be concerned for § 87(2)(b)'s well-being as well as § 87(2)(b)'s safety. Aside from what is mentioned above, no other factors led to the officers' conclusion that § 87(2)(b) was a risk to himself and § 87(2)(b). The officers discussed the issue and agreed that he should undergo a psychiatric evaluation.

Sgt. Graziano radioed for an ambulance with the intent to have § 87(2)(b) transported to a hospital for a psychiatric evaluation. The officers denied that Sgt. Abumalouh mentioned the possibility of arrest for any reason [04-05 Board Review].

The AIDED Report, prepared by PO Fernando Moscoso of the 34th Precinct, notes that a Borough Sergeant requested additional units to the location for an EDP who was acting in an erratic fashion. An ambulance was called, and EMT § 87(2)(b) spoke with § 87(2)(b) before transporting him to § 87(2)(b) [06 Board Review].

During the course of the investigation, § 87(2)(b) sent several emails to the CCRB complaining that he was being harassed by the NYPD and FDNY, including that they were using sirens to harass him and that the FDNY would activate their sirens when he watched action

movies. He also alleged that the CCRB was colluding with the NYPD. Correspondence between the CCRB and § 87(2)(b) ultimately resulted in a recommendation that § 87(2)(b) seek assistance from NYC Well.

Given their investigative assignments, neither Sgt. Abumalouh nor Sgt. Graziano was required to keep an activity log. PO Moscoso's memo book noted the incident generally but contained no information concerning § 87(2)(b)'s behavior [04-05, 07 Board Review].

A person is considered to be emotionally disturbed, and therefore must be taken into protective custody, when he appears to be mentally ill or temporarily deranged *and* is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. Patrol Guide, procedure 221-13 [08 Board Review].

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(b), § 87(2)(g)
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [09 Board Review].
- Sgt. Abumalouh has been a member of service for 13 years and has been a subject in one other CCRB complaint and one other allegation, which was substantiated. Sgt.

§ 87(2)(g)

- Sgt. Graziano has been a member-of-service for 12 years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim inquiry was submitted to the Office of the New York City Comptroller on July 1, 2018. Its results will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City [10 Board Review].

Squad No.: 7

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature IM Diana Townsend Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date